

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES GARMON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23-cv-1403 RHH
)	
CITY OF NORTHWOODS, MISSOURI,)	
SAMUEL DAVIS and MICHAEL HILL,)	JURY TRIAL DEMANDED
)	
Defendants.)	

DEFENDANT DAVIS’S ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF’S COMPLAINT

COMES NOW Defendant Samuel Davis (“Defendant”), by and through undersigned counsel, and for his Answer and Affirmative Defenses to Plaintiff’s Complaint, states as follows:

1. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations and averments set forth in this paragraph and, therefore, denies the same.

2. Admitted.

3. Defendant admits that Hill was employed as a police officer by the Northwood Police Department at all relevant times. Defendant lacks knowledge sufficient to form a belief as to the truth of the remaining allegations and averments set forth in this paragraph and, therefore, denies the same.

4. Admitted.

5. Defendant states that this paragraph contains only legal conclusions to which no response is required.

6. Defendant states that this paragraph contains only legal conclusions to which no response is required.

7. Defendant states that this paragraph contains only legal conclusions to which no response is required.

8. Admitted.

9. Denied.

10. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations and averments set forth in this paragraph and, therefore, denies the same.

11. Admitted.

12. Denied.

13. Denied.

14. Defendant denies that there was any assault as alleged and, therefore, denies the allegations in this paragraph.

15. Defendant denies that he assaulted or caused any injuries to Plaintiff Charles Garmon.

16. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations and averments set forth in this paragraph and, therefore, denies the same.

COUNT I

17-19. Defendant states that this Count is not directed at him; therefore, no response is provided to the same. To the extent Defendant's Answer is deemed required, Defendant denies the allegations set forth herein.

COUNT II

20-25. Defendant states that this Count is not directed at him; therefore, no response is provided to the same. To the extent Defendant's Answer is deemed required, Defendant denies the allegations set forth herein.

COUNT III - §1983 – Excessive Force Claim Against Davis

26. Defendant restates and incorporates his respective responses to all prior paragraphs as if fully set forth again herein.

27. Defendant admits that he had a duty to refrain from the use of excessive force as required by the Fourth and Fourteenth Amendments. Defendant lacks knowledge sufficient to form a belief as to the truth of the remaining allegations and averments set forth in this paragraph and, therefore, denies the same.

28. Defendant denies that he exerted or used excessive force upon Plaintiff Charles Garmon and, therefore, denies all allegations set forth in this paragraph and its subparts.

29. Denied, including all subparts thereunder.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

WHEREFORE, Defendant Samuel Davis, having fully answered, respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice, and for any other further relief that this Court deems just and proper under the circumstances.

COUNT IV – §1983 - False Arrest Claim against Davis

34. Defendant restates and incorporates his respective responses to all prior paragraphs as if fully set forth again herein.

35. Defendant Davis admits that he arrested and then released Plaintiff. Defendant lacks knowledge sufficient to form a belief as to the truth of the remaining allegations and averments set forth in this paragraph and, therefore, denies the same.

36. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations and averments set forth in this paragraph and, therefore, denies the same.

37. Denied.

38. Denied.

WHEREFORE, Defendant Samuel Davis, having fully answered, respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice, and for any other further relief that this Court deems just and proper under the circumstances.

COUNT V - §§1983 and 1985 – Civil Conspiracy Claim against Davis

39. Defendant restates and incorporates his respective responses to all prior paragraphs as if fully set forth again herein.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

WHEREFORE, Defendant Samuel Davis, having fully answered, respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice, and for any other further relief that this Court deems just and proper under the circumstances.

COUNT VI – Negligence Against Defendant Davis

46. Defendant restates and incorporates his respective responses to all prior paragraphs as if fully set forth again herein.

47. Denied, including all subparts.

48. Defendant admits that Plaintiff was restrained at times, was relatively compliant, did not attempt to flee Defendant's custody at any time. To the extent not expressly admitted, Defendant lacks knowledge sufficient to form a belief as to the truth of the remaining allegations and therefore denies the same.

49. Denied.

50. Denied.

51. Denied.

WHEREFORE, Defendant Samuel Davis, having fully answered, respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice, and for any other further relief that this Court deems just and proper under the circumstances.

COUNT VII – Assault and Battery Against Defendant Davis

52. Defendant restates and incorporates his respective responses to all prior paragraphs as if fully set forth again herein.

53. Denied, including all subparts therein.

54. Denied.

55. Denied.

56. Denied.

WHEREFORE, Defendant Samuel Davis, having fully answered, respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice, and for any other further relief that this Court deems just and proper under the circumstances.

COUNT VIII – Kidnapping Against Defendant Davis

57. Defendant restates and incorporates his respective responses to all prior paragraphs as if fully set forth again herein.

58. Defendant denies the characterization of his encounter with Plaintiff and therefore denies the allegations in this paragraph.

59. Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations in the paragraph and therefore denies the same.

60. Denied.

61. Denied.

62. Denied.

COUNTS IX through XIII

63-92. Defendant states that these Counts are not directed at him; therefore, no response is provided to the same. To the extent Defendant's Answer is deemed required, Defendant denies the allegations set forth herein.

AFFIRMATIVE DEFENSES

By way of further answering and as affirmative defenses, Defendant states as follows:

1. Plaintiff has failed to state a claim upon which relief may be granted.
2. Defendant has qualified immunity from all claims brought against him under federal law.
3. Defendant has official immunity from all claims brought against him under Missouri state law.
4. Defendant is not liable and Plaintiff's rights were not violated as alleged in this case because Defendant's actions were reasonable, justified, necessary, supported by probable cause and/or arguable probable cause, and not excessive under the circumstances of this case. Defendant did not beat or inflict injury upon Plaintiff as has been alleged herein.

5. Defendant reserves the right to add additional Affirmative Defenses with leave of Court hereinafter.

WHEREFORE, Defendant Samuel Davis, having fully answered, respectfully requests that this Court dismiss Plaintiff's Complaint with prejudice, and for any other further relief that this Court deems just and proper under the circumstances.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was filed via CM/ECF eFiling System with a copy of the foregoing being served electronically this 25th day of January 2024 on all counsel of record.

/s/ Timothy J. Reichardt